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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 003725

SIPDIS

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TAGS: PHUM KJUS IZ
SUBJECT: COR PASSES HUMAN RIGHTS COMMISSION LAW

REF: BAGHDAD 638

Classified By: Deputy Political Counselor Steve Walker for reasons 1.4 (b) and (d).

¶1. (SBU) Summary: The Iraqi parliament passed the previously languishing High Commission of Human Rights law on November 16. After little movement since the February 13 second reading and some opposition since then, the law passed with the vast majority of the votes, likely due to members' focus on the SOFA debate. The international community will work closely with parliament on establishing the commission. UNAMI, which took the lead in setting up Iraq's elections commission, will again coordinate efforts to assist parliament to establish the human rights commission. End Summary.

THE COMMISSION

¶2. (SBU) The High Commission of Human Rights (HCHR) will be a body designed to monitor and report on human rights conditions and violations in Iraq. It will have financial and administrative independence but will be overseen by the Council of Representatives (COR). The HCHR will have the power to work with GOI bodies to ensure the protection of human rights, publish reports, evaluate legislation, provide opinions on international treaties, work with human rights NGOs, and to promote awareness of human rights. The HCHR will be obligated to conduct investigations of violations reported by individuals or groups, conduct investigations of detention facilities, and forward all substantiated claims to the judicial branch.

¶3. (SBU) A committee of 15 officials from the COR, Higher Judicial Council, NGOs, and UNAMI will select the 11 permanent and three back-up members of the commission, which will be headed by a president. The law mandates that commissioners must be at least 35 years old, have experience in human rights, and must not be affiliated with any political organizations. At least one-third of the commission must be women. The headquarters will be located in Baghdad, with offices in each province.

PASSAGE OF THE HCHR LAW

¶4. (C) The COR's Human Rights Committee drafted a law for a human rights commission with UNAMI support over two years ago. Almost a year after its first reading in March 2007, the law had a second reading on February 13 (reftel). The bill was put on the COR's agenda several times in 2008 but never reached a vote. The Prime Minister's office opposed the bill due to concerns the commission would replace the Ministry of Human Rights (MoHR). Tension between the MoHR and the Human Rights Committee led to further delays of the law. The MoHR drafted an alternative draft of the law to ensure its continued existence, but this draft was held up in the Shura Council for months. There was an attempted third

reading of the committee's version of the law on July 16, but several members objected to having both a commission and a ministry. The law then slipped from the agenda for several more months.

¶5. (C) Shatha Obosi, a member of the COR's Human Rights Committee, told PolOff on November 19 that the law needed support from COR Speaker Mashadani to be placed on the agenda and brought to a vote. She and fellow IIP member and Deputy Chair of the Human Rights Committee, Harith al-Obeidy, lobbied Mashadani to bring the bill to a vote, which he did on November 16. Shatha said that unlike during the previous attempted third reading and vote, this time around there was little opposition or even questioning from COR members. She said voting on the bill during the midst of the SOFA debate was a good strategic decision because members were Qwas a good strategic decision because members were preoccupied and did not attempt to kill the bill. Shatha voiced disappointment at the head of the Human Rights Committee, Sheikh Haideri, for not pushing for the bill and allowing it to be delayed for two years.

INTERNATIONAL SUPPORT FOR COMMISSION

¶6. (C) PolOffs met with representatives from the British Embassy, European Commission, UNAMI, and the Danish Embassy on November 18 and 20 to coordinate donor responsibilities for assisting with establishment of the commission. Although much of the international money earmarked for set-up of the commission has been reallocated due to the lengthy delay of the law's passage, UNAMI and EU still have access to

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approximately \$5-17 million. UNAMI will work with UNDP to maximize a budget for establishment of the commission, and EU has funds set aside in a UN trust fund to support UNAMI's funding. The USG through DRL has funded a USD one million program to American University to support passage and implementation of the law. The British Embassy does not have specific funding for the commission but will propose a project for Nottingham University in the UK to train the commissioners. The Danish Embassy is willing to work on smaller projects to help strengthen the commission.

¶7. (C) UNAMI, which has taken the lead in establishing two previous commissions, the Independent High Electoral Commission (IHEC) and the International Compact for Iraq, will use its experience to coordinate the establishment of the commission. (Note: When IHEC was established, UNAMI advised and monitored the COR committee dedicated to IHEC and was part of the interview process for the commissioners. End Note.) Deputy COR Speaker Sheikh Khalid Attiyah, COR Human Rights Committee Chair Sheikh Haideri, and several other members of the Human Rights Committee have asked UNAMI, UK, EU, and USG officials for assistance in setting up the commission and propose that UNAMI take the lead in assistance and support. The COR members wanted immediate help from UNAMI on selecting the commissioners.

¶8. (C) UNAMI human rights officer Jose Maria Aranaz, said UNAMI will take the lead role in selecting the commissioners but will only take an advisory role in budget formulation and logistics of building the commission. Aranaz thinks the COR should be primarily responsible for allocating funding and coordinating the logistics of setting up the commission. He added that UNAMI has requested to Geneva that the UNAMI Human Rights Office be primarily focused on establishing and supporting this commission as opposed to monitoring and reporting on human rights issues. UNAMI will create a framework on how the international community will support the COR and the commission in order to avoid duplication of support. This framework will delineate USG efforts, including DRL grantee American University's program to support the commission.

COMMENT

¶9. (C) The human rights commission law)- for which the Embassy lobbied for over two years -- will over time ensure better protection of human rights in Iraq. Our focus will now be on assisting establishment of the commission, although our efforts will be in a supporting role to UNAMI. UNAMI's coordination of all international assistance will include Embassy support and AU's program to support the commission. With its experience and perceived impartiality, UNAMI is in the best position to lead efforts to establish this independent commission.

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